

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SERGEI KOVALEV,

Case Number: \_\_\_\_\_

Plaintiff,

v.

SPARK ENERGY, LLC a.k.a.  
SPARK ENERGY,

Defendant.

**NOTICE OF REMOVAL**

Defendant Spark Energy, LLC (“Spark”) files this Notice of Removal of the above-captioned action from the Court of Common Pleas of Philadelphia County, Pennsylvania. The grounds for removal are as follows:

1. Plaintiff Sergei Kovalev (“Plaintiff”) commenced this action on January 24, 2022 by filing a Complaint at No. 01882, January Term 2022, in the Court of Common Pleas of Philadelphia County, Pennsylvania (the “State Court Action”).

2. In accordance with 28 U.S.C. § 1446(a), a complete copy of the filings from the State Court Action, including a copy of the Complaint, is attached as **Exhibit A**.

3. Spark was served with a copy of the Complaint via Certified Mail on January 31, 2022. Thus, removal is timely under 28 U.S.C. § 1446(b)(1).

4. This Court has original jurisdiction over this action under 28 U.S.C. § 1331, and this action is removable under 28 U.S.C. §§ 1441 and 1446, because certain of Plaintiff’s claims arise “under the Constitution, laws or treaties of the United States.”

5. Specifically, the Complaint alleges causes of action for purported violations of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227. *See* Complaint at 9-15.

6. This Court has supplemental jurisdiction over Plaintiff's related state law claims pursuant to 28 U.S.C. § 1367(a) because those claims are based on the same purported conduct that forms the basis of Plaintiff's federal claims and, thus, are part of the same case or controversy.

7. Venue is appropriate in this Court because the Court of Common Pleas of Philadelphia County is located within this District.

8. Spark will promptly serve a copy of this Notice on Plaintiff and will file a copy of this Notice with the Court of Common Pleas of Philadelphia County pursuant to 28 U.S.C. § 1446(d).

9. In filing this Notice of Removal, Spark does not waive, and expressly reserves, any and all objections, rights, and defenses that it has or may have. No statement herein or omission shall be deemed to constitute an admission by Spark of any of the allegations of the Complaint.

10. Spark further reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, Defendant Spark Energy, LLC respectfully requests that the above-captioned action, now pending in the Court of Common Pleas of Philadelphia County, be removed to this Court.

Dated: February 22, 2022

Respectfully submitted,

/s/ Michael P. Pest

Michael P. Pest

Pa. I.D. No. 312025

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*Counsel for Spark Energy, LLC*

**CERTIFICATE OF SERVICE**

I certify that the foregoing Notice of Removal was filed via the electronic filing/service system of the United States District Court for the Eastern District of Pennsylvania, on this 22nd day of February, 2022, and that a copy was served via U.S. First Class Mail on the following:

Sergei Kovalev  
5305 Oxford Avenue  
Philadelphia, PA 19124

/s/ Michael P. Pest

Michael P. Pest